

SCHINDEL, FARMAN & LIPSIUS LLP
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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Gregory V. Serio, Superintendent of
Insurance of the State of New York, as
Rehabilitator of FRONTIER INSURANCE
COMPANY, and as Assignee of PLATINUM
INDEMNITY, LTD,

Plaintiff,

vs.

DWIGHT HALVORSON INSURANCE
SERVICES, INC d/b/a F.S.I.M.
INSURANCE SERVICES and FOOD
SERVICES INSURANCE MANAGERS,
INC.,

Defendants

Case No.: 04 CV 3361

Hon. Richard M. Berman

NOTICE OF MOTION

TO: ENTWISTLE & CAPPUCCI, LLP
299 Park Avenue - 14th Floor
New York, NY 10171
(212) 894-7200
Attn: William S. Gyves, Esq.

COUNSEL:

Please note that Defendants Dwight Halvorson Insurance Services, Inc. (“DHIS”) and Food Service Insurance Managers, Inc. (FSIM”) will move the court for an order, pursuant to F.R.C.P. 12(b)(1) (2)&(3), 28 U.S.C § 13491, 9 U.S.C.§§ 1-4, dismissing the complaint based on lack of jurisdiction over the Defendants and improper venue, dismissing the complaint and/or compelling

arbitration and staying the proceedings herein, and for such other relief as to the court is just and equitable.

The motion is based on Defendants' Notice of Motion, Defendants' Memorandum of Law in Support, the pleadings herein and, the Certification of Marc I. Kunkin in Support of Defendants' Motion, with attached Exhibits, Proposed Order Granting Defendants' Motion, copies of which have been duly served upon the persons and/or entities shown above.

Oral Argument is requested only if this motion is opposed.

Dated: August 24, 2004
New York, New York

SCHINDEL, FARMAN & LIPSIUS LLP
Attorneys Defendants

By: _____
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